## EXECUTIVE SUMMARY - ENFORCEMENT, MATTER

Page 1 of 3

**DOCKET NO.:** 2007-1999-MWD-E **TCEQ ID:** RN101721587

1587 **CASE NO.:** 35155

**RESPONDENT NAME:** City of Archer City

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X_WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
Highway 25 and State Highway 79, Archer C TYPE OF OPERATION: Wastewater treat  SMALL BUSINESS:YesX  OTHER SIGNIFICANT MATTERS: Ther facility location.  INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Reg  CONTACTS AND MAILING LIST:	nent facility  No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on May 12, 2008. No r: None r: Ms. Merrilee Hupp, Enforcement Division, Enforcement	al pending enforcement actions regarding this rest in this matter.  comments were received.

# RESPONDENT NAME: City of Archer City DOCKET NO.: 2007-1999-MWD-E

#### **VIOLATION SUMMARY CHART:**

#### CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$16,575 **Corrective Actions Taken:** Complaint X Routine Total Deferred: \$3,315 The Executive Director recognizes that the \_ Enforcement Follow-up Respondent has implemented the X Expedited Settlement X Records Review following corrective measures at the Financial Inability to Pay Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 a. Within two hours of each of the discharges occurring on February 27, 2007, March 30, 2007, May 27, 2007, and Date of Investigation Relating to this Total Paid to General Revenue: \$13,260 July 13, 2007, the discharge was stopped Case: September 17, 2007 and December 13, 2007 Site Compliance History Classification and disinfectant was applied to the ground; \_\_\_ High X Average Poor Date of NOV/NOE Relating to this Case: November 15, 2007 (NOE) b. On December 6, 2007, sealed the sludge Person Compliance History Classification drying bed to prevent unauthorized High X Average Poor discharges and removed excess vegetation Background Facts: This was a routine investigation and record review. from within and around the drying bed. Major Source: Yes X No WATER **Ordering Provisions:** Applicable Penalty Policy: September 2002 The Order will require the Respondent to: 1) Failed to prevent four unauthorized discharges of wastewater. Specifically, on February 27, 2007, an unauthorized a. Within 30 days after the effective date of this Agreed Order, remove trees, cattails, discharge of approximately 5,000 gallons occurred from the main sewer line on and other vegetation from within and from North Beech Street into an unnamed the sides of the treatment ponds to ensure tributary and flowed north through a optimal treatment and to prevent potential pasture; on July 13, 2007, an unauthorized contamination of water in the state; discharge of approximately 3,000 gallons b. Within 60 days after the effective date occurred from a manhole in the 300 block of this Agreed Order, submit written of West Evergreen Street, entering a bar certification of compliance with the ditch and then an unnamed creek through a horse pasture; on March 30, 2007, an permitted effluent limitations of TPDES Permit No. WO0010393002, including unauthorized discharge of 20,000-30,000 gallons occurred from a manhole in the specific corrective actions that were implemented at the Facility to achieve 500 block of East Main Street (State compliance and copies of the most current Highway 25) which flowed into Onion Creek; and on May 27, 2007, an self-reported discharge monitoring reports, demonstrating at least three consecutive unauthorized discharge of approximately months of compliance with all permitted 8,000 gallons occurred from the same effluent limitations; manhole flowing north into an unnamed creek and then into Onion Creek to the Little Wichita River [30 Tex. ADMIN. c. Within 90 days after the effective date of this Agreed Order, complete an assessment CODE § 305.125(4), Texas Pollutant Discharge Elimination System ("TPDES") of the collection line where discharges had Permit No. WQ0010393002, Permit occurred, including smoke testing and/or Conditions No. 2.g., and Tex. WATER televising the line, to determine the CODE § 26.121(a)]. primary cause of the past unauthorized discharges and any additional 2) Failed to properly operate and maintain replacements, repairs, or maintenance necessary to prevent future discharges; the wastewater treatment ponds. Specifically, numerous trees and cattails were observed along the inside edge of the d. Within 105 days after the effective date

treatment ponds [30 Tex. ADMIN. CODE §
305.125(5) and TPDES Permit No.
WQ0010393002, Operational
Requirements No. 1].

- 3) Failed to properly operate and maintain the sludge drying beds, resulting in leakage from the south drying bed. In addition, excessive vegetation was observed along the outside and inside of the sludge drying beds [30 Tex. Admin. Code § 305.125(4) and (5) and TPDES Permit No. WQ0010393002, Permit Conditions No. 2.g. and Operational Requirements No. 1].
- 4) Failed to comply with the minimum dissolved oxygen permitted effluent concentration of 5.0 milligrams per liter ("mg/L"). Specifically, dissolved oxygen levels of 2.6 mg/L, 4.5 mg/L, and 4.4 mg/L were reported for December 2006, January 2007 and August 2007 [30 Tex. ADMIN. CODE § 305.125(1), Tex. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010393002, Effluent Limitations and Monitoring Requirements No. 6].

of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provisions a., b., and c.;

- e. Within 180 days after the effective date of this Agreed Order, complete repairs or replacement or other recommendations resulting from the assessment required by Ordering Provision c. above;
- f. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision e.; and
- g. The certifications shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a., b., c., and e.

Additional ID No(s).: WQ001039300

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		enalty (	Calculatio	n Works	sheet (P	•	/h C 2007
Policy Revision 2 (Sep	tember 2002)					PCW Revision N	lovember 6, 2007
DATES Assigned	19-Nov-2007	- Parting the second					
PCW			g 13-Dec-2007	EPA Due	, i i present duc		
RESPONDENT/FACILITY	INFORMATIO	)N					
	City of Archer						
Reg. Ent. Ref. No.							
Facility/Site Region				Major/l	Minor Source	Minor	
CASE INFORMATION							
Enf./Case ID No.	35155	<u></u>		No.	of Violations	15	
Docket No.	2007-1999-M\	ND-E			Order Type	1660	77
Media Program(s)	Water Quality			Enf.	. Coordinator	Merrilee Hupp	
Multi-Media					EC's Team	Enforcement Team 1	
Admin. Penalty \$ 1	Limit Minimun	n \$0	Maximum	\$10,000			v.
		Ponc	alty Calcula	ation Soc	tion		
TOTAL BASE PENAL	TY (Sum of	violation	base penalti	es)		Subtotal 1	\$8,500
ADJUSTMENTS (+/-)	TO SUBTO	ΤΔΙ 1					
Subtotals 2-7 are obtain			Penalty (Subtotal 1) b	ov the indicated per	centage.	Starten Davids Bellevik	
Compliance Hist	carda versió de de latin Paricipalita a sebuero carrido cardo e	seest cate in a consultation and in a visit of the con-	Color Particolar Color of the Street Colors	Enhancement		otals 2, 3, & 7	\$8,075
Notes	I ne Respon		orted 17 effluent r same or simila		received two	* .	
			r same or similar	i violations.	· · · · · · · · · · · · · · · · · · ·		
Culpability	No	7:0::::::::::::::::::::::::::::::::::::	0%	<b>6</b> Enhancement		Subtotal 4	\$0
Surposition	110		<u> </u>	<b>b</b> Limencoment	14-14-1 Sept. 1922 562		<del> </del>
Notes	The F	Respondent o	does not meet th	ne culpability cri	iteria.		
	<u> </u>					]	
Good Faith Effor	t to Comply		0%	Reduction		Subtotal 5	\$0
	Before NOV	NOV to EDP	RP/Settlement Offer			of the of CC CC CC Model CC CC Medical Extraordist Section for Ex	
Extraordinary							
Ordinary	1 11 11 11						
N/A	X	(mark with x)				٦	
Notes	The F	Respondent o	does not meet th	ne good faith cri	iteria.		
				Y 7.	P. N	]	
			ñº/	Enhancement*	5785-475-6 <u>1</u> 0-6	Subtotal 6	\$0
	Total EB Amount	s \$137		d at the Total EB \$	S Amount		<del>_</del>
Approx.	Cost of Complianc		]				
OUM OF CUIDTOTAL	C 4 9			1 74 5 7 5 VALUE OF SERVICE			£46 575
SUM OF SUBTOTAL	S 1-4					Final Subtotal	\$16,575
OTHER FACTORS A	e illetice	MAV DEOI	INDE A	0%		Adjustment	\$0
Reduces or enhances the Final S				U 76		Adjustinent	
						7	
Notes	1 1 1 1 1 1 1						
	<del></del>				Final Pe	nalty Amount	\$16,575
						,	
STATUTORY LIMIT A	DJUSTMEN	it in			Final Asse	essed Penalty	\$16,575
	rini a tu kin di kina di katabilar	PC-10 ob obblioki, st	Nario actuali - Albini - Artico	THE AT E DAY SULFAM, W			
DEFERRAL				20%	Reduction	Adjustment	-\$3,315
Reduces the Final Assessed Pen	alty by the indicted	percentage. (E	Enter number only; e.				
						1	
Notes		Deferral off	fered for expedite	ed settlement.			
<b>PAYABLE PENALTY</b>							\$13,260

Docket No. 2007-1999-MWD-E **PCW** Screening Date 13-Dec-2007 Respondent City of Archer City Policy Revision 2 (September 2002) Case ID No. 35155 PCW Revision November 6, 2007 Reg. Ent. Reference No. RN101721587 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action 19 95% **NOVs** (number of NOVs meeting criteria) Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of orders editealdoffedd 0% meeting criteria) o. Penaky 3 Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory 0 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0% **Judgments** and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal 0 0% Convictions Any criminal convictions of this state or the federal government (number of counts) 0% n **Emissions** Chronic excessive emissions events (number of events) 0 0% Letters notifying the executive director of an intended audit conducted under the Texas 0 Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) 95% >> Repeat Violator (Subtotal 3) No 0% Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) 0%

The Respondent self-reported 17 effluent violations and received two NOVs for same or similar violations.

>> Compliance History Summary

Compliance History

Notes

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	13-Dec-2007		DOCKET NO.	2007-1999-	MWD-E		PCW
Respondent	City of Archer City				ı	Policy Revision	2 (September 2002)
Case ID No.	35155					PCW Revisio	n November 6, 2007
Reg. Ent. Reference No.	RN101721587						***************************************
Media [Statute]							9000000
Enf. Coordinator	Merrilee Hupp						Agence legis
Violation Number	1						940
Rule Cite(s)	II.	ode § 305.125(4) ditions No. 2.g., a				nit	
Violation Description	25) flowed north into River. On July 13, 2 occurred from a ma	orized discharge n North Beech S ay 27, 2007, an u n a manhole in th an unnamed cree 2007, an unautho	of approximatel treet into an unn nauthorized disc ne 500 block of lek and then into brized discharge block of West E	y 5,000 gallo named tributa charge of ap East Main S Onion Cree of approxim Evergreen Si	ons discharged ary and north the proximately 8,0 treet (State High to the Little Whately 3,000 gall treet, entered a	from rough 00 hway /ichita ons	
			•		Base Pe	enalty	\$10,000
>> Environmental, Property a	ınd Human Health	Matrix					
	Har	The second state with the second seco					
Release		rate Minor	<b>—</b> 1				
OR Actual		X		ъ Г	100/		
Potential	<u> </u>			Percent	10%		1
>>Programmatic Matrix		道 医红色毛头					
Falsification	Major Mode	rate Minor	\$42.E2. \$ 1				999
F ule medical	l linego:	1	<del>-</del>	Percent	0%		100
	L			_			
Matrix Notes	n or the environment h	as been exposed of this vio	-	amounts of	pollutants as a	result	
Notes							*
7722			_			0.000	7
		3 8 12 1	A	djustment	7	9,000	
							\$1,000
Violation Events		量 图 图 图	213 9 1			1	
N							
Number of Vio	olation Events 3		3	Number of v	violation days		
	daily						
	monthly						
mark only one	quarterly		÷	Vic	olation Base Po	enalty	\$3,000
. with an x	semiannual						
	annual						
	single event x						
	hree single events are	recommended (	one for each dis	criarge doct	urrierited).		
					<del> </del>		
Economic Benefit (EB) for thi	is violation		1 21 2	Statutory	Limit Test		
				-			
Estimated	d EB Amount	\$	38	Violatio	n Final Penalty	Total	\$5,850
		This violation	on Final Assess	ed Penalty	(adjusted for I	imits)	\$5,850
		inia violatio	ar i mai Assess	ocu renaily	(aujusteu 101 1		Ψ5,550

Respondent Case ID No. 35155  Reg. Ent. Reference No. RN101721587	orksheet		
Reg. Ent. Reference No. Media   Water Quality   Violation No. 1	The second section of the sect		
Nedia   Water Quality   Violation No. 1	6 (1) (1) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4		
Item Cost   Date Required   Final Date   Yrs		3 63 477 1 1 31	ul turi strabil
Item Cost   Date Required   Final Date   Yrs		Percent Interest	Years of
Delayed Costs   Equipment Buildings   \$3,500   27-May-2007   28-May-2007   0.0   0	The second	reicent interest	Depreciation
Delayed Costs   Equipment Buildings   \$3,500   27-May-2007   28-May-2007   0.0   0		5.0	1
Supplies/equipment   \$3,500   27-May-2007   28-May-2007   0.0	Yrs Interest Saved	Onetime Costs	EB Amount
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  \$3,500			1.5 max. 22.
Sacromore   Sacr			
Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)	0.0 \$0	\$1	\$1
\$192,000   27-Feb-2007   28-Feb-2007   0.0     Record Keeping System		\$0	\$0
Land	0.0 \$0	\$0	\$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Notes for DELAYED costs  AVOIGED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Do 0.0  0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	0.0 \$2,	\$35.	\$37
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)		n/a	\$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Notes for DELAYED costs  AVOIDED COSTS  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)		n/a	\$0
Notes for DELAYED costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]  Other (as needed)  Notes for DELAYED costs  ANNUALIZE [1] avoided costs before entering for the labor associated to prevent unauthorized discharges; and the smoke-testing maintenance of collection line along Main Street to predocumented discharge date and final date is when that discharge date and final date is when the document date is when the document date is when the document date is date and final date is when the document date is date and final date is when the document	The state of the s	n/a	\$0
Notes for DELAYED costs  Notes for DELAYED costs  Notes for DELAYED costs  AVOIDED  AVOIDED  AVOIDED  ANNUALIZE [1] avoided costs before entering supplies/equipment Financial Assurance [2] Other (as needed)  Other (as needed)  \$500		n/a	\$0
Residual Costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Estimated cost of approximately 1,040 feet of sewer line re engineering fees, materials, and labor; the labor associated to prevent unauthorized discharges; and the smoke-testing maintenance of collection line along Main Street to predocumented discharge date and final date is when that discharge date and final date is when the smoke-testing date and final date is when the smoke date and final date is when the smoke date and final date		n/a n/a	\$0 \$0
engineering fees, materials, and labor, the labor associated to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke-testin maintenance of collection line along Main Street to prevent unauthorized discharges; and the smoke to prevent unauthorized discharges; and	SECTION 1286 SECTION 1		
Disposal   Personnel   0,0   0,0	to prevent unauthorized dis at discharge was stopped a	scharges. Date re	quired is the
Personnel     0,0     Inspection/Reporting/Sampling   0,0     Supplies/equipment   0,0     Financial Assurance [2]   0,0     ONE-TIME avoided costs [3]   0,0     Other (as needed)   0,0	tering item (except for or	ne-time avoided o	costs)
Inspection/Reporting/Sampling		i) \$0	<b>\$</b> 0
Supplies/equipment		\$0	\$0
Company		\$0	\$0
ONE-TIME avoided costs [3] Other (as needed) Other (as needed) Other (as needed)		\$0	\$0
Other (as needed) 0,0		\$0	\$0
		\$0	\$0
Notes for AVOIDED costs	0.0 ] \$0 ]	\$0	\$0
	เกาะสาราสตราส (คือ	van en elektrike en	
the control of the co		i i i i i i i i i i i i i i i i i i i	.: 11
Approx. Cost of Compliance \$196,000	TOTAL		\$3

Screening Date	13-Dec-2007	<b>Docket No.</b> 2007-1999-MWD-E	PCW
Respondent	City of Archer City		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN101721587		
Media [Statute]	Water Quality		
Enf. Coordinator		•	
Violation Number	<u> </u>		
Rule Cite(s)	11	code § 305.125(4), TPDES Permit No. WQ0010393002, Per	mit
	Conc	ditions No. 2.g., and Tex. Water Code § 26.121(a)	<del></del>
Violation Description	unauthorized dischar	nt an unauthorized discharge of wastewater. Specifically, an ge of 20,000-30,000 gallons was reported on March 30, 200 00 block of East Main Street (State Highway 25) which flower Onion Creek.	7 from
		Base F	Penalty \$10,000
>> Environmental, Property a	ınd Human Health	Matrix	
	Harr		
OR Release		ate Minor	
Potential		Percent 25%	
rotoniai		Terocite 2070	
>>Programmatic Matrix	124145		
	Major Moder	rate Minor	*
		Percent 0%	-
Matrix Notes Human healt	h or the environment h	as been exposed to significant amounts of pollutants as a retail this violation.	esult of
	5 3866 - \$	Adjustment	\$7,500
			\$2,500
			φ2,500
Violation Events			
. Number of Vid	olation Events 1	1 Number of violation days	***************************************
mark only one with an x	daily monthly quarterly semiannual annual single event x	Violation Base I	Penalty \$2,500
	One single event	is recommended for the documented discharge.	
Economic Benefit (EB) for th	is violation	Statutory Limit Test	
Estimated	d EB Amount	\$0 Violation Final Penalt	y <b>Total</b> \$4,875
		This violation Final Assessed Penalty (adjusted for	limits) \$4,875
		Trotation I mai ricocooca i charty (adjusted for	Ţ.,6,6

	City of Archer C	ity				1 - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Case ID No						and the second of the second o	i
Reg. Ent. Reference No	Water Quality	•					V
Violation No					and the second of the	Percent Interest	Years of Depreciation
	100 Miles (100 Miles (		166 256		er beer ages	5.0	1:
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
item bescription	I No conmas or 5		8 18 1 Latin 1				
Delayed Costs	10000 550 650					Marijari Ka	X/A Here
Equipment	Langh Alama kasaka	1671.0	3.31 (2) (4)	0.0	\$0	\$0	\$0
Buildings	Acres 645 Are willy	A. 8285	1.	0,0	\$0	\$0°	<b>\$</b> 0
Other (as needed)	11:34.4 (A. 14:11:121:39) 13:4 (A. 17:12:11:39)	4		0.0	\$0	\$0	\$0
Engineering/construction	14 (1 to 1 t			0.0	\$0	\$0	\$0
Land			AND CONTRACTOR OF THE PROPERTY	0,0	\$0	n/a	\$0
Record Keeping System	W. Co. Co. Co. Co. Co. Co. Co. Co. Co. Co	elapida pilotak kanyo da inggana	ALSO SECTIONS	0,0	\$0	n/a	\$0
Training/Sampling			X	0.0	<b>\$</b> 0	n/a	\$0
Remediation/Disposal	100 100 100 100 100 100 100 100 100 100	W.C		0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	-\$0
Other (as needed)		10 Zd Z. 11 Estate		0.0	\$0	n/a	\$0
							and the second of the second o
Notes for DELAYED costs		3.20 3.20	stimated cost is c	and the second		1206,000	
Avoided Costs	ANN	3.20 3.20		ntering	item (except for	্ৰভাত্ৰ one-time avoided c	200 April 200 Ap
Avoided Costs	ANN	3.20 3.20		entering	item (except for	one-time avoided c	\$0
Avoided Costs  Disposal  Personnel	ANN	3.20 3.20		ntering 0,0 0.0	item (except for \$0 \$0	one-time avoided o	\$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	3.20 3.20		entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided o	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	3.20 3.20		0,0 0,0 0,0 0,0 0,0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	3.20 3.20		0.0 0.0 0.0 0.0 0.0 0.0		sone-time avoided c	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	3.20 3.20		0,0 0,0 0,0 0,0 0,0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	3.20 3.20		0,0   0,0   0,0   0,0   0,0   0,0   0,0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	3.20 3.20		0,0   0,0   0,0   0,0   0,0   0,0   0,0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3]  Other (as needed)	ANN	3.20 3.20		0,0   0,0   0,0   0,0   0,0   0,0   0,0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	3.20 3.20		0,0   0,0   0,0   0,0   0,0   0,0   0,0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	13-Dec-2007	Docket	No. 2007-1999-MWD-E	PCW
Respondent	City of Archer City		Policy Re	evision 2 (September 2002)
Case ID No.	35155		PCW	Revision November 6, 2007
Reg. Ent. Reference No.	RN101721587			ngo cara
Media [Statute]				3
Enf. Coordinator				
Violation Number	3			ı
Rule Cite(s)	30 Tex. Admin. Code § 30	05.125(5) and TPDES P Requirements	ermit No. WQ0010393002, Operational	
Violation Description		te and maintain the was	tewater treatment ponds. Specifically, ong the inside edge of the treatment	
			Base Penalty	\$10,000
>> Environmental, Property a	nd Human Health Ma	atrix		
	Harm			
Release OR Actual	Major Moderate	Minor		
Potential		x	Percent 5%	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor	- · · · · · · · · · · · · · · · · · · ·	
			Percent 0%	
Human hoalt	h or the environment will e	yr could be expected to in	nsignificant amounts of pollutants which	]
			environmental receptors as a result of	· .
			£0.500	
Sept. Complete Sept.		an se a se sé	Adjustment \$9,500	
	_			\$500
Violation Events			12 444 13 18 26 1	
Number of Vio	vation Events 1	87	Number of violation days	***************************************
radiliber of vio	Idion Evento 1		Trampor of Violation days	
	daily			
	monthly			<b>\$500</b>
mark only one with an x	quarterly	<u></u>	Violation Base Penalty	\$500
	semiannual annual			
	single event x	-		
		· · · · · · · · · · · · · · · · · · ·		1
	One s	single event is recomme	nded.	
Economic Benefit (EB) for thi	is violation		Statutory Limit Test	
F_4! 4	JED Amount	<b>6</b> 56	Violation Final Danalty Tatal	\$975
Esumated	d EB Amount	\$56	Violation Final Penalty Total	
		This violation Final A	Assessed Penalty (adjusted for limits)	\$975

	t City of Archer 0		Benefit W	J. 166		Area or the control of the	
Case ID No	MULTI-	Jily			1.2	Carlotte Daniel	
	9.74				100		
Reg. Ent. Reference No	203					<u> </u>	
	a Water Quality				¥ 11 11 4	Percent Interest	Years of
Violation No	), 3				The Carlotter		Depreciation
		10 年上战员				5.0	1
Item Description	Item Cost  No commas or \$	Date Required	A CONTRACTOR OF THE PARTY OF TH	Yrs	Interest Saved	Onetime Costs	EB Amount
item Descriptio	II No confide of a:			25		HEAD SEPTIME	Olimbia de la composición della composición dell
Delayed Cost	S				12.75		
Equipment	· Brise a bridge	i Nation Compating	6 (\$Y)	0,0	\$0	\$0	\$0
Buildings		Land to the same		0,0	\$0	\$0	\$0
Other (as needed)			80. TR 20. Tr	0,0	\$0	\$0	\$0
Engineering/construction	Control of the second of the s	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		0.0	\$0	\$0	\$0
Land	The state of the s	5. S.	AND DESCRIPTION OF THE PROPERTY OF THE PROPERT	0,0	\$0	⊴ii≀ n/a	\$0
Record Keeping System	30472 (3707) 3704 (3707)		2. V40 V4-13. V4	0.0	\$0	n/a	\$0
Training/Sampling	A			0.0	\$0	n/a	\$0
Remediation/Disposal		A CONTRACTOR OF THE PARTY OF TH		0,0	\$0	n/a	\$0
Permit Costs Other (as needed)	\$1,500	17-Sep-2007	15-Jun-2008	0.0	\$0 \$56	n/a n/a	\$0 \$56
2 11101 (110 110 110 11)	Ψήσου	II COP ZOOT		10.00	ΨΟΟ		ΨΟΟ
Notes for DELAYED costs	Estimated cost					ate required is the in	vestigation da
Notes for DELAYED costs	Estimated cost				eatment ponds/iD is expected to be		vestigation da
		and fina	l date is when cor	npliance	is expected to be	achleved.	
Notes for DELAYED costs  Avoided Cost Disposal		and fina	l date is when cor	npliance	is expected to be	achieved. helimant pre-time avoided c	osts)
Avoided Cost		and fina	l date is when cor	npliance	is expected to be	achleved.	
Avoided Cost  Disposal  Personnel		and fina	l date is when cor	npliance	is expected to be item (except for \$0	achieved. Jistinolofi pre-time avoided c \$0	osts) \$0
Avoided Cost  Disposal  Personnel		and fina	l date is when cor	ntering 0.0 0.0	item (except for \$0 \$0	achleved.	osts)
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling		and fina	l date is when cor	npliance ntering 0.0 0.0 0.0	is expected to be item (except for a \$0 \$0 \$0	achleved.	osts)
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		and fina	l date is when cor	npliance ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	achieved.	s0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		and fina	l date is when cor	ntering 0.0 0.0 0.0 0.0 0.0 0.0	Is expected to be	aghieved.	osts) :
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		and fina	l date is when cor	npliance ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	adhleved.	osts) : \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		and fina	l date is when cor	npliance ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	adhleved.	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs		and fina	l date is when cor	npliance ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	adhleved.	sosts)
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		and fina	l date is when cor	npliance ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	adhleved.	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	13-Dec-2007	Docket	<b>No.</b> 2007-1999-MWD-E	PCW
Respondent	City of Archer City		Policy	Revision 2 (September 2002)
Case ID No.			PCV	V Revision November 6, 2007
Reg. Ent. Reference No.	RN101721587			*
Media [Statute]				
Enf. Coordinator	Merrilee Hupp			
Violation Number	4		· · · · · · · · · · · · · · · · · · ·	<b>⇒</b> 1
Rule Cite(s)			TPDES Permit No. WQ0010393002,	
Violation Description	Failed to properly operate the south drying bed. In	e and maintain the sludge a addition, excessive vege		
	ad 11	I_ <i>L</i> _:"≂	Base Penalt	y \$10,000
>> Environmental, Property a	ind Human Health M Harm	Iatrix		
Release	Major Moderate	e Minor		
OR Actual				
Potential		X	Percent 5%	
>>Programmatic Matrix	Majar Madayat	Minor		
Falsification	Major Moderate	e Minor	Percent 0%	•
100			Percent 0%	
			significant amounts of pollutants whic environmental receptors as a result o	
	EEL BUY ELE		Adjustment \$9,50	0
				<b>#500</b>
				\$500
Violation Events				
				<b>****</b>
Number of Vic	olation Events 1	80	Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base Penalt	у\$500
		single event is recommer		
Economic Benefit (EB) for the	is violation		Statutory Limit Test	
Estimated	d EB Amount	\$23	Violation Final Penalty Tota	al \$975
			·	
		This violation Final As	ssessed Penalty (adjusted for limit	\$975

	建学》以E	conomic l	Benefit W	orks/	heet		
Respondent	City of Archer C	City	See Sander Company of the State of the Company of t		an Authoritain		
Case ID No.		•				e i sali en sa	
Reg. Ent. Reference No.					and the second		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
The state of the s	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	100						
Delayed Costs	frita (ill.)	100000		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
Equipment	(C. (315) 1 (10 5) 1 (1 5)		7	0.0	\$0	\$0	\$0
Buildings		1,28	41, 44, 4	0,0	\$ <u>0</u>	\$0	\$0
Other (as needed)	A - 12.5			0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	17-Sep-2007	6-Dec-2007	0.2	\$1	\$22	\$23
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling			***************************************	0.0	\$0 \$0	n/a	\$0
Remediation/Disposal	Propriate research and plant and public and a second secon	Land of the Co. No. 10 Co. No. 10 Co.	SECTION AND AND AND AND AND AND AND AND AND AN	0,0		n/a	\$0
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 **\$0
Notes for DELAYED costs						s, and to remove ex	
70000 101 5 5 5 7 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	1000				nce was achieved.		action was
Avoided Costs	a contration of contration	464 T say	completed and	compliar	nce was achieved. item (except for		
	a contration of contration	464 T say	completed and	compliar	nce was achieved.  item (except for \$0	  Isitretor    solded c   solded c	osts) \$0
Avoided Costs  Disposal Personnel	a contration of contration	464 T say	completed and	compliar entering 0.0 0.0	item (except for \$0	Introduction avoided of \$0 \$0 \$0	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	a contration of contration	464 T say	completed and	entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	Instructors  pne-time avoided of \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	a contration of contration	464 T say	completed and	entering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	Initrestors S0	s0 \$0 \$0 \$0 \$0
Avoided Costs    Disposal	a contration of contration	464 T say	completed and	compliar entering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs    Disposal	a contration of contration	464 T say	completed and	entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs    Disposal	a contration of contration	464 T say	completed and	compliar entering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs    Disposal	a contration of contration	464 T say	completed and	entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	a contration of contration	464 T say	completed and	entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screenin	ng Date	13-Dec-2007	<b>Docket No.</b> 2007-1999-MWD-E	PCW
Respo	ondent	City of Archer City	Policy Re	evision 2 (September 2002)
	ID No.		PCW F	Revision November 6, 2007
Reg. Ent. Referen	nce No.	RN101721587	*	
Media [S	Statute]	Water Quality		
Enf. Coord	dinator	Merrilee Hupp		and the same of th
Violation	Number	5		
Rule	e Cite(s)	Toy Water Code	\$ 26 121(a) 20 Tay Admin Code \$ 205 125(1) and TDDES Bormit	
			§ 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit 93002, Effluent Limitations and Monitoring Requirements No. 6	
		1.0	ooool, line on a line morning to que to to to	
		F-3-4 to		
Violation Des	scription		ith the minimum dissolved oxygen permitted effluent concentration of lifter ("mg/L"). Specifically, dissolved oxygen levels of 2.6 mg/L, 4.5	
.,			L were reported for December 2006, January 2007 and August 2007.	
		L. Companies		
			Base Penalty	\$10,000
			Dase Fenalty	\$10,000
>> Environmental, Pro	operty a	nd Human Heal	th Matrix	
A - SEE	_		arm	
	Release	Major Mo	derate Minor	
OR	Actual		X	
	Potential		Percent 10%	
>>Programmatic Matri	iv 🕒 i			
	sification	Major Mo	derate Minor	-
			Percent 0%	ale a la companya de
		L		Administration of the second o
NA-t-i Illino		h ar tha an ironna	t has been everyoned to incirmificant amounts of pollutants as a regult	Penanta
Matrix Hun Notes	nan neait	n or the environmer	nt has been exposed to insignificant amounts of pollutants as a result of this violation.	
			Adjustment \$9,000	
		<u> </u>	Adjustment \$9,000	
				\$1,000
Violation Events	<b>着</b> 影 :			
Numl	her of Vio	lation Events	2 93 Number of violation days	
Num	per or vio	nation Events	2 95 William of Violation days	·
		daily		
,		monthly	<del></del>	
mark	k only one	quarterly	X Violation Base Penalty	\$2,000
· Wi	ith an x	semiannual		
		annual		1000
	l	single event		
# / - 1		T\	vo quarterly events are recommended.	
<u> </u>			in 1.83 (m. 2016.)	
Economic Benefit (EB	B) for thi	is violation	Statutory Limit Test	
_	-4!4	1 FD A	COAL Windows Final Payable Table	¢2 000
E	stimated	I EB Amount	\$21 Violation Final Penalty Total	\$3,900
			This violation Final Assessed Penalty (adjusted for limits)	\$3,900

H. L. Line		COMORNIC	Benefit W	orks	sheet		
Kesponaen	t City of Archer C	City	TO SEE STATE OF THE SECOND SEC	ent and the section of			-
Case ID No	35155					er i seen oord Noord Afrika oord Afrika	
Reg. Ent. Reference No	RN101721587					Miller Brown Control	1,000
	a Water Quality						Years of
Violation No					499 (1919)	Percent Interest	Depreciation
		44.35			SAN TANK	5.0	15
The state of the s	Item Cost	Date Required	Final Date	Yrs	Interest Saved	·	EB Amount
Itom Doscriptio	n No commas or \$	Date Required	, mai Pate	119	interest Gavea	Officiality Obsta	LO AMOUNT
item Descriptio	II No commas or \$						MAN THE LITTER OF THE STATE OF
Delayed Cost				r massen oxigio	and constructing of employment from		DAKE PARK PARK III
Equipment	3			0.0	\$0	\$0	\$0
Buildings			PLEASURE A STATE OF THE PROPERTY OF THE PROPER	0.0	\$0	\$0	\$0
Other (as needed)	10.00	107127451111111111111111111111111111111111		0.0	\$0	\$0	\$0
Engineering/construction	TARREST OF THE PARTY OF	to a firm of the section of the sect	veryday, eg a turke, na hen h	0.0	\$0	\$0	\$0
Land	A. E. Sector Manager Control of the		Section 1991 Control	0,0	\$0	n/a	\$0
Record Keeping System		12 - 12 - 12 - 12 - 12 - 12 - 12 - 12 -		0.0	\$0	n/a	\$0
Training/Sampling	\$450 CONTRACTOR (\$450 C	Section of the property of the section of the secti	ragina (15 de 17 april de 18 de 1 La companione de 18	0.0	\$0	n/a	\$0
Remediation/Disposal	7.55	200 (100 (100 (100 (100 (100 (100 (100 (	- C. Tarilli (1977) - N. T. K. (1977) - Peter Bernick Schregung Constitution (partition	0.0	\$0	n/a	\$0
Permit Costs		**************************************	A CONTRACTOR OF THE CONTRACTOR	0.0,	\$0	n/ā	\$0
Other (as needed)	\$250	31-Dec-2006	31-Aug-2008	1.7	\$21	n/a	\$21
	Estimated cos	st for additional mo	William St.	Exercise 1	.". it is it	macelett	
Notes for DELAYED costs  Avoided Costs  Disposal Personnel	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina intering 0.0 0.0	justment of minimal date is the expectification (except for \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided c \$0 \$0	n levels. Date once.  osts) \$0,154,75
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina ntering 0.0 0.0	justment of minimal date is the expectifier (except for \$0 \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided o \$0 \$0	n levels. Date noe,  osts)  \$0,000,000 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina ntering 0.0 0.0 0.0 0.0	ijustment of minimal date is the expectitem (except for \$0 \$0 \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided o \$0 \$0 \$0 \$0	n levels. Date nce.  osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ijustment of minim I date is the expectiem (except for \$0 \$0 \$0 \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided o \$0 \$0 \$0 \$0	n levels. Date nice.  osts) \$0,30,30,30,30,30,30,30,30,30,30,30,30,30
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina ntering 0.0 0.0 0.0 0.0	ijustment of minimal date is the expectitem (except for \$0 \$0 \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided o \$0 \$0 \$0 \$0	n levels. Date nce.  osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided c \$0 \$0 \$0 \$0 \$0	n levels. Date nce.  osts)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided c \$0 \$0 \$0 \$0 \$0	n levels. Date nce.  osts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided c \$0 \$0 \$0 \$0 \$0	n levels. Date nce.  osts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	rec	quired is the first mo	nitoring of and po- onth of excursion,	ssible ad and fina ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	um dissolved oxyge ted date of compliar one-time avoided c \$0 \$0 \$0 \$0 \$0	n levels. Date nce.  osts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

## **Compliance History**

		CO	inpliance i ilstoi	У		
Cüstomei	r/Respondent/Owner-Operator:	CN600650048	City of Archer City		Classification: AVERAGE	Rating: 1.19
Regulated	d Entity:	RN101721587	CITY OF ARCHER CITY V	WVTP	Classification: AVERAGE	Site Rating: 1.28
ID Numbe	er(s):	WASTEWATER WASTEWATER WASTEWATER WASTEWATER LI	ICENSING	PERMIT PERMIT PERMIT LICENSE		WQ0010393002 TPDES0054518 TX0054518 WQ0010393002
Location:			mile northeast of intersection		Rating Date: September 01 (	
TCEQ Re	egion:	& SH 79 in Archer			NO	
	npliance History Prepared:	December 06, 200				
	Decision Requiring Compliance History:	Enforcement				
			2 to December 06, 2007			
TCEQ St	aff Member to Contact for Additional Inforr	nation Regarding this (	Compliance History			
Name:	Merrilee Hupp	Pho	one: 512-239-4490			
		Sito (	Compliance History Comp	nonents		
1 Haeth	e site been in existence and/or operation f			Yes		
	ere been a (known) change in ownership o			No		
	who is the current owner?		,, p	N/A		
4. if Yes,	, who was/were the prior owner(s)?			N/A		<b>-</b>
5. When	did the change(s) in ownership occur?			N/A		
Compo	nents (Multimedia) for the Site :					_
A.	Final Enforcement Orders, court judgen	nents, and consent dec	crees of the state of Texas an	d the federal gove	ernment.	
	N/A					
В.	Any criminal convictions of the state of N/A	Texas and the federal (	government.			en e
C.	Chronic excessive emissions events.					
	N/A				1	
Ď.	The approval dates of investigations. (C	CEDS Inv. Track. No.)				
	1 12/19/2002 (186538) 2 01/21/2003 (186540) 3 02/21/2003 (186517) 4 03/19/2003 (186519) 5 04/22/2003 (186522) 6 05/19/2003 (307468) 7 06/16/2003 (307469) 8 07/21/2003 (307470) 9 08/18/2003 (307471) 10 09/25/2003 (307472) 11 10/23/2003 (307473) 12 11/20/2003 (307474) 13 12/19/2003 (307475)					
	14 01/14/2004 (307476) 15 02/23/2004 (307465) 16 03/18/2004 (307466)					

17 04/19/2004

18 05/20/2004

19 06/21/2004

20 07/21/2004

21 08/20/2004

22 09/23/2004

23 10/21/200424 11/19/2004

(307467)

(356879)

(356880)

(356881)

(356882)

(356883) (356884)

(384532)

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25 12/20/2004
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        01/20/2005
                         (384534)
     27
         03/14/2005
                         (422477)
     28
         04/20/2005
                         (422478)
     29
         05/16/2005
                         (422479)
    30
        05/20/2005
                         (422481)
    31
        06/15/2005
                         (422480)
        07/20/2005
     32
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        09/14/2005
                         (443412)
        10/17/2005
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     35 11/14/2005
                         (473268)
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        01/18/2006
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        02/08/2006
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         03/13/2006
                         (473266)
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         04/11/2006
                         (501445)
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         05/18/2006
                         (501446)
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         06/12/2006
                         (501447)
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                         (523691)
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         08/22/2006
                         (523692)
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         09/20/2006
                         (523693)
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         10/24/2006
                         (548669)
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         11/10/2006
                         (548670)
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         12/18/2006
                         (548671)
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        01/18/2007
                         (581886)
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         02/12/2007
                         (540117)
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         02/20/2007
                         (581881)
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         03/12/2007
                         (581882)
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        04/23/2007
                         (581883)
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        05/23/2007
                         (581884)
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        06/22/2007
                         (565205)
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         06/25/2007
                         (581885)
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        08/23/2007
                         (608250)
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        09/17/2007
                         (608251)
     61 11/15/2007
                         (594677)
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
      Date: 01/31/2003
                               (186517)
      Self Report?
                                                                                Classification:
                                                                                                  Moderate
      Citation:
                          30 TAC Chapter 305, SubChapter F 305.125(1)
                          TWC Chapter 26 26.121(a)
      Description:
                          Failure to meet the limit for one or more permit parameter
      Date: 02/28/2003
                               (186519)
      Self Report?
                      YES
                                                                                Classification:
                                                                                                  Moderate
                          30 TAC Chapter 305, SubChapter F 305.125(1)
      Citation:
                          TWC Chapter 26 26.121(a)
      Description:
                          Failure to meet the limit for one or more permit parameter
      Date: 03/31/2003
                               (186522)
      Self Report?
                                                                                Classification:
                                                                                                  Moderate
      Citation:
                          30 TAC Chapter 305, SubChapter F 305.125(1)
                          TWC Chapter 26 26.121(a)
      Description:
                          Failure to meet the limit for one or more permit parameter
      Date: 04/30/2003
                               (307468)
      Self Report?
                                                                                Classification:
                                                                                                  Moderate
      Citation:
                          30 TAC Chapter 305, SubChapter F 305.125(1)
                          TWC Chapter 26 26.121(a)
      Description:
                          Failure to meet the limit for one or more permit parameter
      Date: 08/31/2003
                               (307472)
      Self Report?
                                                                                Classification:
                                                                                                  Moderate
      Citation:
                          30 TAC Chapter 305, SubChapter F 305.125(1)
                          TWC Chapter 26 26.121(a)
                          Failure to meet the limit for one or more permit parameter
      Description:
      Date: 12/31/2003
                               (307476)
                                                                                Classification:
                                                                                                  Moderate
      Self Report?
```

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Citation:

E.

Failure to meet the limit for one or more permit parameter Description:

Date: 03/31/2004 (307467)

Self Report? Classification: Moderate

Classification:

Classification:

Moderate

Moderate

Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description:

Date: 04/30/2004 (356879)

Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description:

Date: 05/31/2004 (356880)

Classification: Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description:

Date: 06/30/2004 (356881)

Classification: Moderate Self Report?

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2004 (356883)

Classification: Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description:

Date: 09/30/2004 (356884)Classification:

Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

`Failure to meet the limit for one or more permit parameter Description:

Date: 01/31/2006 (473265)

Classification: Moderate Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter Description:

Date: 06/30/2006 (523691)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (581886)

Classification: Self Report? Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description:

(581881) Date: 01/31/2007

Classification: Moderate Self Report?

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/12/2007 (540117)

Classification: Moderate Self Report?

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5)

Rgmt Prov: PERMIT WQ0010393-002

Failure to prevent the unauthorized discharge of wastewater. Description:

Date: 02/12/2007 (534629)

PERMIT WQ0010393-002

PERMIT WQ0010393-002

Rqmt Prov:

Ramt Prov:

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to submit the annual sludge report (September 05-August 06) by Description:

September 1, 2006. Classification: Moderate NO

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(5) Citation:

Description: Failure to prevent the unauthorized discharge of wastewater.

Classification: Self Report? NO Moderate 30 TAC Chapter 305, SubChapter F 305.125(5) Citation: PERMIT WQ0010393-002 Ramt Prov: Description: Failure to maintain and secure the Quail Ridge Lift station. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) PERMIT WQ0010393-002 Rqmt Prov: Description: Failure to properly operate and maintain the wastewater treatment ponds. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) Rqmt Prov: PERMIT WQ0010393-002 Description: Failure to prevent the unauthorized discharge of wastewater from the south drying bed. Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(5) Citation: Description: Failure to maintain the vent fan at Lift Station No. 3. Classification: Self Report? NO Moderate 30 TAC Chapter 319, SubChapter A 319.6 Citation: Description: Failure to demonstrate adequate quality assurance/quality control for the analysis of dissolved oxygen. Date: 08/31/2007 (608251) Self Report? Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF ARCHER CITY	§	
RN101721587	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2007-1999-MWD-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Archer City ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a wastewater treatment facility approximately 3/4 mile northeast of the intersection of State Highway 25 and State Highway 79 in Archer County, Texas (the "Facility").
- 2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 4. The City received notice of the violations alleged in Section II ("Allegations") on or about November 20, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Sixteen Thousand Five Hundred Seventy-Five Dollars (\$16,575) is assessed by the Commission in settlement of the violations alleged in Section

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II ("Allegations"). The City has paid Thirteen Thousand Two Hundred Sixty Dollars (\$13,260) of the administrative penalty and Three Thousand Three Hundred Fifteen Dollars (\$3,315) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. Within two hours of each of the discharges occurring on February 27, 2007, March 30, 2007, May 27, 2007, and July 13, 2007, the discharge was stopped and disinfectant was applied to the ground; and
  - b. On December 6, 2007, sealed the sludge drying bed to prevent unauthorized discharges and removed excess vegetation from within and around the drying bed.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to prevent four unauthorized discharges of wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010393002, Permit Conditions No. 2.g., and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on September 17, 2007. Specifically, on February 27, 2007, an unauthorized discharge of approximately 5,000 gallons occurred from the main sewer line on North Beech Street into an unnamed tributary and flowed north through a pasture; on July 13, 2007, an unauthorized discharge of approximately 3,000 gallons occurred from a manhole in the 300 block of West Evergreen Street, entering a bar ditch and then an unnamed creek through a horse pasture; on March 30, 2007, an unauthorized discharge of 20,000-30,000 gallons occurred

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City of Archer City DOCKET NO. 2007-1999-MWD-E Page 3

from a manhole in the 500 block of East Main Street (State Highway 25) which flowed into Onion Creek; and on May 27, 2007, an unauthorized discharge of approximately 8,000 gallons occurred from the same manhole flowing north into an unnamed creek and then into Onion Creek to the Little Wichita River.

- 2. Failed to properly operate and maintain the wastewater treatment ponds, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010393002, Operational Requirements No. 1, as documented during an investigation conducted on September 17, 2007. Specifically, numerous trees and cattails were observed along the inside edge of the treatment ponds.
- 3. Failed to properly operate and maintain the sludge drying beds, resulting in leakage from the south drying bed, in violation of 30 Tex. ADMIN. CODE § 305.125(4) and (5) and TPDES Permit No. WQ0010393002, Permit Conditions No. 2.g. and Operational Requirements No. 1, as documented during an investigation conducted on September 17, 2007. In addition, excessive vegetation was observed along the outside and inside of the sludge drying beds.
- 4. Failed to comply with the minimum dissolved oxygen permitted effluent concentration of 5.0 milligrams per liter ("mg/L"), in violation of 30 Tex. ADMIN. CODE § 305.125(1), Tex. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010393002, Effluent Limitations and Monitoring Requirements No. 6, as documented during a record review conducted on December 13, 2007. Specifically, dissolved oxygen levels of 2.6 mg/L, 4.5 mg/L, and 4.4 mg/L were reported for December 2006, January 2007 and August 2007.

#### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Archer City, Docket No. 2007-1999-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, remove trees, cattails, and other vegetation from within and from the sides of the treatment ponds to ensure optimal

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treatment and to prevent potential contamination of water in the state, in accordance with 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0010393002, Operational Requirements No. 1;

- b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010393002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations;
- c. Within 90 days after the effective date of this Agreed Order, complete an assessment of the collection line where discharges had occurred, including smoke testing and/or televising the line, to determine the primary cause of the past unauthorized discharges and any additional replacements, repairs, or maintenance necessary to prevent future discharges;
- d. Within 105 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b., and 2.c. as described in 2.g. below;
- e. Within 180 days after the effective date of this Agreed Order, complete repairs or replacement or other recommendations resulting from the assessment required by Ordering Provision 2.c. above;
- f. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e., as described in Ordering Provision No. 2.g. below; and
- g. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b., 2.c., and 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

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with a copy to:

Water Section, Manager Abilene Regional Office Texas Commission on Environmental Quality 1977 Industrial Boulevard Abilene, Texas 79602-7833

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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May 7 2008 01:11pm P001/001

City of Archer City DOCKET NO. 2007-1999-MWD-E Page 6

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	5/11/2008 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, end I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- · Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEO seeking other relief as authorized by law.

In addition any falsification of any compliance documents may result in criminal prosecution.

Signature

Name (Printed or typed)

Authorized Representative of

City of Archer City

Mayor, City of Archer Gty

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Penagraph 1 of this Agreed Order.